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*Counsel for Rocktop Partners, LLC; and  
Wilmington Savings Fund Society, FSB, as  
Trustee of Stanwich Mortgage Loan Trust A*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

ROCKTOP PARTNERS, LLC; and )  
WILMINGTON SAVINGS FUND SOCIETY, )  
FSB, as Trustee of Stanwich Mortgage Loan )  
Trust A, )

Case No. 2:17-cv-00604-RFB-BNW  
*consolidated with*  
Case No. 2:17-cv-00916-KJD-BNW

Plaintiffs,

**JOINT MOTION BY THE  
ACTIVELY LITIGATING PARTIES  
TO EXTEND COURT'S  
DEADLINES TO FACILITATE  
EFFORTS TO COMPROMISE  
AND [PROPOSED] ORDER  
(FOURTH JOINT REQUEST  
UNDER CURRENT SCHEDULING  
ORDER)**

v.

SFR INVESTMENTS POOL 1, LLC, a  
Nevada limited liability company; and  
ANTHEM COUNTRY CLUB COMMUNITY,  
ASSOCIATION, a Nevada nonprofit  
corporation,

Defendants.

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEON BENZER; SFR INVESTMENTS POOL  
1, LLC; ROCKTOP PARTNERS, LLC;  
WILMINGTON SAVINGS FUND SOCIETY,  
FSB, as Trustee of Stanwich Mortgage Loan  
Trust A; ANTHEM COUNTRY CLUB  
COMMUNITY ASSOCIATION;  
REPUBLIC SILVER STATE DISPOSAL INC.,  
and INDEMNITY COMPANY OF  
CALIFORNIA,

Defendants.

ROCKTOP PARTNERS, LLC; and  
WILMINGTON SAVINGS FUND SOCIETY,  
FSB, as Trustee of Stanwich Mortgage Loan  
Trust A,

Cross-Claimants,  
Counter-Claimants,

v.

UNITED STATES OF AMERICA; LEON  
BENZER, an individual; SFR INVESTMENTS  
POOL 1, LLC, a Nevada limited liability  
company; and ANTHEM COUNTRY CLUB  
ASSOCIATION, a Nevada corporation,

Cross-Defendants,  
Counter-Defendants.

1 The Court has permitted discovery to be re-opened for a limited purpose and set an  
 2 expedited briefing schedule to resolve any discovery disputes. The litigating parties have been  
 3 discussing a settlement. The parties are continuing to negotiate and have made progress in their  
 4 settlement talks, but there are several logistical issues that must be worked through.

5 Therefore, Anthem Country Club Community Association (“Anthem”), SFR Investments  
 6 Pool 1, LLC (“SFR”), Rocktop Partners LLC (“Rocktop”) and Wilmington Savings Fund  
 7 Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A (“Wilmington”, the Rocktop, “the  
 8 loan holders”) and the United States<sup>1</sup> jointly move the Court for an order extending the discovery  
 9 deadline, including the deadlines for bringing discovery motions, from November 22, 2021, to  
 10 December 22, 2021, and to extend the deadline dispositive motions from December 22, 2021, to  
 11 January 21, 2022, i.e., 30 days for each.

#### 12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 On December 20, 2020, the Court ordered that discovery be re-opened, in light of new  
 14 issues that arose after most discovery had closed. (ECF No. 342 at 19.) Discovery is currently  
 15 set to close November 22, 2021. (ECF No. 391.) At present, the open discovery primarily  
 16 concerns: 1) disputes over the loan holders’ written responses to the United States’ most recent  
 17 discovery requests; and 2) a Rule 30(b)(6) deposition that the United States seeks to take of the  
 18 loan holders. The United States had planned to take the deposition after the written discovery  
 19 responses were completed and issues resolved. However, the United States and the loan holders  
 20 were attempting to resolve discovery disputes without further motions practice. These  
 21 discussions grew into more global settlement discussions with the other litigating parties, and all  
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 23

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 25 <sup>1</sup> None of the other named parties are actively litigating.

1 litigating parties believe their resources are best directed to fully exploring a resolution to the  
2 overall dispute.

3       There are of course many issues to be resolved in reaching a global settlement among  
4 five litigating parties, especially when the dispute centers on seven-figure property. As the  
5 parties previously reported (ECF No. 390), they had been exploring an agreement under which  
6 the property would be sold and the proceeds allocated among them. The loan holders and SFR  
7 used the time granted under previous extensions to interview a number of real estate  
8 agents/brokers about listing and marketing the property and their initial opinions on estimated  
9 value. They had narrowed down the list of agents/brokers to one leading candidate, who  
10 recommended some moderate repairs to maximize the property's estimated value. The parties  
11 had also been discussing how to allocate the sales proceeds. They were also investigating the  
12 presence of other potential liens on the property and negotiating how such liens might be  
13 resolved, as might be required to convey clean title to a third party.

14       Since the prior extension was granted, SFR has continued to seek additional broker price  
15 opinions (aka "BPOs"). Due to uncertainties in the market, concerns about the price of repairs to  
16 the property, and other factors, the parties are now discussing a settlement where the property  
17 would *not* be sold to a third party, and the parties would instead settle their disputes with each  
18 other for cash payments. Negotiations have been extended in part because one of the parties is  
19 working with a new insurance company that may ultimately be responsible for a portion of the  
20 payments, and counsel has not had prior dealings with the company.

21       While there is still more than a month before the discovery cutoff, the parties would need  
22 to use that time to prepare any motions regarding the discovery objections, and take the  
23 outstanding Rule 30(b)(6) deposition of the loan holders. Preparing a representative from the  
24 loan holders and conducting a multi-party deposition are time consuming and costly enterprises,  
25 and the parties wish to spend the time focused on a resolution if at all possible.

1           The parties continue to believe a resolution is possible, and thus request a further  
2 extension of 30 days to work through these and other issues. The request is not to create undue  
3 delay, but to explore settlement of their title disputes more globally and, if a resolution is not  
4 possible, allow the parties to streamline the potential discovery disputes, and narrow the scope of  
5 the previously-noticed deposition.

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WHEREFORE, the undersigned respectfully request that the Court extend discovery deadlines, including the deadlines for bringing motions concerning the pending objections to the United States' written discovery requests, as well as the dispositive motion deadline, by 30 days.

DATED October 19, 2021

Respectfully submitted,

LIPSON, NEILSON, COLE, SELTZER & GARIN,  
P.C.

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**IT IS SO ORDERED:**



UNITED STATES MAGISTRATE JUDGE  
Signed the 20th of October, 2021

*Counsel for Rocktop Partners, LLC; and  
Wilmington Savings Fund Society, FSB,  
as Trustee of Stanwich Mortgage Loan  
Trust A*

**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that service of the foregoing is made this October 19, 2021, via the Court's ECF system to all current parties who have appeared electronically. Defendant Leon Benzer has defaulted. However, the United States is sending this filing to his last known address. Such mailing may take two business days to complete, due to in-office staffing limitations during the present pandemic.

Leon Benzer, RN # 47521-048  
United States Penitentiary  
P.O. BOX 24550  
TUCSON, AZ 85734

/s/ E. Carmen Ramirez

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